

ORIGINAL

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20054

In the Matter of	)	
	)	
Amendment of 73.202(b)	)	MM Docket No. 99-_____
Table of Allotments	)	
FM Broadcast Stations	)	
(Charlotte, TX)	)	

RECEIVED

To: John Karousos, Chief  
Allocations Branch  
Mass Media Bureau

SEP 14 1999

FCC MAIL ROOM

**PETITION FOR RULE MAKING**

Pursuant to 47 CFR 1.401, Charlotte Radio Broadcasting Company ("CRBC") respectfully petitions the FCC to institute a Rule Making proceeding to amend the FM Table of Allotments to add channel 227A at Charlotte, TX.

**DISCUSSION**

Petitioner respectfully submits that the public interest would be served by allocating channel 227A to Charlotte, TX, as that community's first local aural transmission service.

Charlotte is an incorporated city in the western half of Atascosa County, TX. Charlotte's 1990 Census population was 1,475 <sup>1/</sup> and the 1990 Census population of Atascosa County was 30, 533 -- a 22% increase during the decade.

Charlotte has its own school district, a volunteer fire department and its own post office. Like other "communities" to which the FCC has allotted a local FM service, Charlotte has

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<sup>1/</sup> Charlotte's population grew nearly 10% from 1990-95, to an estimated 1,618 persons by 1995. See 1995 Texas Almanac, survey of local officials.



local churches, a city hall, a water department, a local library, a bank and at least 33 commercial business establishments (as of January 1997).

Attached hereto is an engineering report, which contains a channel study confirming that channel 227A can be allocated to Charlotte, TX consistent with the FCC's separation rules. See Appendix A.

Allotment of channel 227A to Charlotte, TX would provide that community with its first local aural transmission service and would result in a preferential arrangement of FM allotments. See Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88 (1992).

Finally, should this Petition be granted, and channel 227A be allotted to Charlotte, TX, Petitioner will apply for channel 227A and, if a CP is awarded to it, Petitioner will promptly construct the new facility.

Respectfully submitted,



Robert Lewis Thompson  
**TAYLOR THIEMANN & AITKEN, L.C.**  
908 King Street, Suite 300  
Alexandria, VA 22314  
(703) 836-9400

September 13, 1999

Counsel for Charlotte Radio  
Broadcasting Company



**ENGINEERING STATEMENT  
IN SUPPORT OF  
PETITION FOR RULE MAKING**

**September 9, 1999**

**Charlotte Radio Broadcasting Co.  
FM Channel 227A □ 93.3 Megahertz  
Charlotte, Texas**



**LAWRENCE L. MORTON ASSOCIATES**  
2867 BELDEN DRIVE  
HOLLYWOOD HILLS, CALIFORNIA 90068-1901  
(323) 467-5010 / FAX (323) 467-5848



## **ENGINEERING STATEMENT**

The information and data contained within this engineering statement were prepared on behalf of Charlotte Radio Broadcasting Co., in support of a petition for rule making. The petitioner proposes to amend the FM Table of Allotments, 47 C.F.R. § 73.202(b) of the Commission's Rules, by allotting Channel 227A to Charlotte, Texas.

### **I. CHARLOTTE, TEXAS**

Charlotte is an incorporated city located in the western portion of Atascosa County, Texas. The 1990 U.S. Census population of Atascosa County was 30,533 persons, an increase of 21.9 percent above the 1980 U.S. Census population of 25,055 persons.

Charlotte has been assigned Postal ZIP Code 78011 by the U.S. Postal Service. The city had a 1990 U.S. Census population of 1,475 persons, and has no aural broadcast services. The Bureau of the Census centroid geographic coordinates of Charlotte, referenced to the North American Datum of 1927, are:

North Latitude: 28 degrees, 51 minutes, 33 seconds  
West Longitude: 98 degrees, 42 minutes, 00 seconds

Because of three existing licensed stations and a vacant allotment, a site restriction is required for the Channel 227A allotment at Charlotte. At a point corresponding to the following geographic coordinates, which is 15.0 kilometers west, southwest of Charlotte, the Channel 227A allotment can be made at Charlotte in compliance with the minimum distance separation requirements 47 C.F.R. § 73.207.

North Latitude: 28 degrees, 49 minutes, 49 seconds  
West Longitude: 98 degrees, 51 minutes, 01 seconds

From these reference geographic coordinates, Channel 227A is fully-spaced to all FCC assignments, allotments and proposals contained within the latest *FCC FM Engineering Database*. Figures one and two show the relative locations of Atascosa County within the State of Texas, and of the city of Charlotte within Atascosa County. Figure three shows the incorporated city limits of Charlotte and the locations of the 1990 U.S. Census block centroids. Figure 5 depicts the 70 dBμ city grade contour from the allotment



reference site, and that it encompasses fully the entire city limits of Charlotte.

## II. MINIMUM SPACING REQUIREMENTS

The following table lists the nearest assignments and allocations currently on file with the required distance separations for Channel 227A. For clarity, facilities that are greater than 350 kilometers beyond the minimum required separations are not shown.

As required by § 73.207 all minimum distance separation requirements are met from the Channel 227A allotment reference site proposed for Charlotte. All distances were computed by the methods outlined in § 73.208(c) of the Commission's Rules and were rounded to the nearest kilometer in accordance with § 73.208(c)(8).

ALLOCATION-PERTINENT STATIONS AND SPACING REQUIREMENTS OF § 73.207					
CALL LETTERS	CHANNEL /CLASS	NORTH LATITUDE	WEST LONGITUDE	ACTUAL DISTANCE	REQUIRED DISTANCE
KINL(FM)	224-C3	28° 43' 57"	100° 29' 34"	161. Km	42. Km
KKBA(FM)	224-C2	27° 39' 20"	97° 33' 55"	181	55
KJBZ(FM)	224-A	27° 31' 04"	99° 31' 20"	160	31
KKBQ-FM	225-C	29° 34' 34"	95° 30' 36"	335	95
KROM(FM)	225-C1	29° 16' 29"	98° 15' 52"	75	75
ALLOC	226-C	26° 05' 50"	98° 16' 42"	309	165
ALLOC	226-A	29° 43' 42"	99° 45' 48"	133	72
ALLOC	226-B	27° 54' 52"	101° 15' 04"	256	125
PRM	227-A	27° 48' 03"	99° 27' 37"	129	115
KLNC(FM)	227-C	30° 43' 34"	97° 59' 23"	226	226
KPLV(FM)	227-C1	28° 42' 22"	96° 48' 03"	201	200
ALLOC	228-C3	28° 15' 46"	98° 12' 24"	89	89
KOOK(FM)	228-C2	30° 29' 31"	100° 02' 03"	217	106
ALLOC	228-C	25° 56' 45"	97° 09' 23"	362	165
KBNU(FM)	229-A	29° 16' 34"	99° 41' 45"	96	31
KLBJ-FM	229-C	30° 18' 36"	97° 47' 33"	193	95
KMXR(FM)	230-C1	27° 46' 50"	97° 38' 03"	167	75
ALLOC	280-C	29° 19' 33"	100° 55' 51"	210	29
KVCO(FM)	280-A	29° 31' 50"	97° 17' 17"	171	10
ALLOC	281-A	28° 53' 30"	99° 05' 48"	25	10
KBFM(FM)	281-C	26° 05' 59"	97° 50' 16"	319	29



### III. CONCLUSIONS

The results of this study demonstrate that the FM Table of Allotments in § 73.202(b) of the Commission's Rules may be amended in technical compliance with all applicable spacing rules. Therefore, the Petitioner, Charlotte Radio Broadcasting Co., respectfully requests the following change to the Table:

	<u>PRESENT</u>	
<u>CITY</u>		<u>CHANNEL</u>
Charlotte, TX		----

	<u>PROPOSED</u>	
<u>CITY</u>		<u>CHANNEL</u>
Charlotte, TX		227A

The petitioner asserts that, upon allotment of Channel 227A to Charlotte and the lifting of the present freeze on new applications, an application for construction permit to build a new Class A facility will be filed promptly to serve Charlotte, Texas.

Respectfully Submitted,

Lawrence L. Morton, P.E.  
Consulting Engineer to the Petitioner  
September 9, 1999





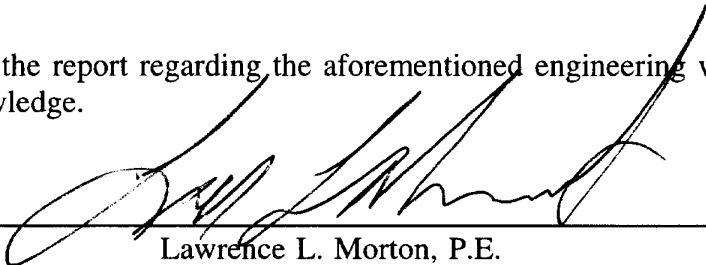
## AFFIDAVIT

State of California                     )  
  )    ss:  
County of Los Angeles                )

Lawrence L. Morton, being first duly sworn upon oath, deposes and says:


- That he is a qualified engineer,
- That he is a Registered Professional Engineer in the State of California,
- That he is a member of the Association of Federal Communications Consulting Engineers,
- That his qualifications are a matter of record with the Federal Communications Commission,
- That he has prepared many broadcast applications and engineering exhibits that have been filed with and granted by the Federal Communications Commission,
- That he has carried out such engineering work and that the results thereof are attached hereto and form part of this affidavit, and
- That the foregoing statement and the report regarding the aforementioned engineering work are true and correct of his own knowledge.

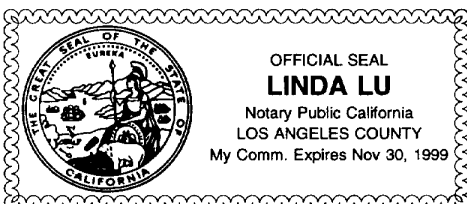
Date: September 9, 1999

  
\_\_\_\_\_  
Lawrence L. Morton, P.E.

On September 9, 1999, before me, Linda Lu, a Notary Public, in and for the State of California, personally appeared Lawrence L. Morton known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

My Commission expires 11/30/99

  
\_\_\_\_\_  
Notary Public





# State of Texas

Atascosa County

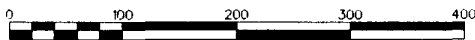
CENTER OF MAP:

N LAT 31° 20' 56.00"  
W LON 99° 39' 55.00"

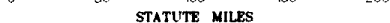
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FIGURE 1  
COUNTY OF ATASCOSA  
STATE OF TEXAS  
CHARLOTTE RADIO BROADCASTING CO.

KILOMETERS



STATUTE MILES

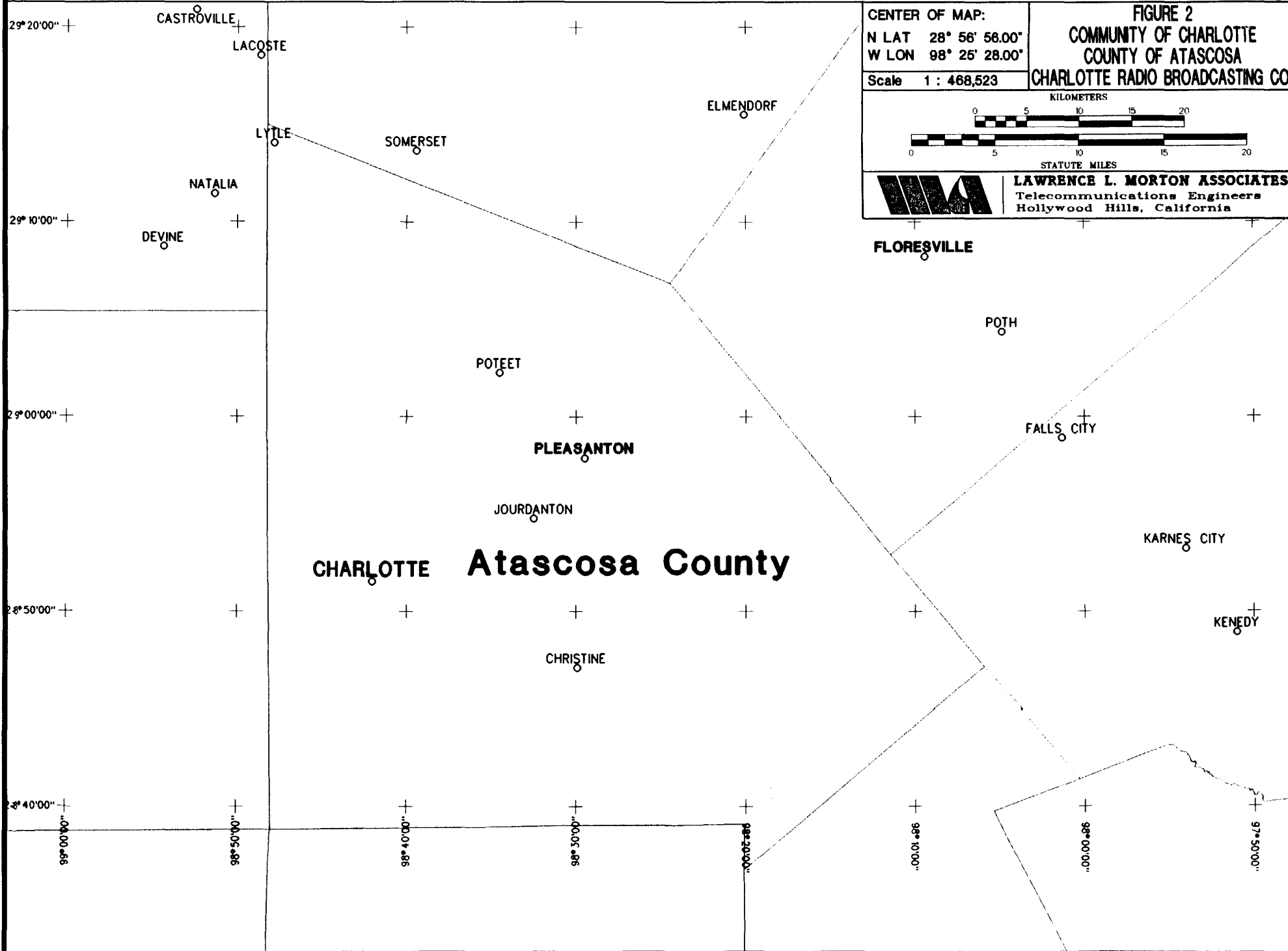


**LAWRENCE L. MORTON ASSOCIATES**  
Telecommunications Engineers  
Hollywood Hills, California



Lambert Azimuthal Equal-Area

10' 00" Graticule Spacing



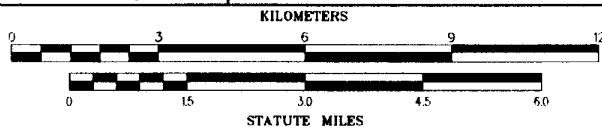


Lambert Azimuthal Equal-Area

10' 00" Graticule Spacing

CENTER OF MAP:  
N LAT 28° 53' 01.00"  
W LON 98° 37' 10.00"  
Scale 1 : 153,866

**FIGURE 3**  
**COMMUNITY OF CHARLOTTE**  
**AND 1990 U.S. CENSUS BLOCKS**  
**CHARLOTTE RADIO BROADCASTING CO.**



**LAWRENCE L. MORTON ASSOCIATES**  
Telecommunications Engineers  
Hollywood Hills, California

1990 U.S. CENSUS BLOCK CENTROIDS

